

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (currently amended) An optical disc drive which can record and/or reproduce data onto and/or from an optical disc when the optical disc is loaded into the optical disc drive, the optical disc drive comprising:

an electrically rewritable flash ROM which stores firmware of the optical disc drive;  
means for judging whether or not the loaded optical disc is a predetermined type of optical disc in which update data for updating the currently stored firmware is stored when the optical disc is loaded into the optical disc drive;

a buffer memory for temporarily storing the update data recorded in the loaded optical disc in the case where the judging means judges that the loaded optical disc is the predetermined type of optical disc; and

control means for determining whether the currently stored firmware of the optical disc drive should be updated with the update data based on the absence or presence of a predetermined signal, and updating the currently stored firmware with the update data stored in the buffer memory in the case where it is determined that the currently stored firmware of the optical disc should be updated; and

wherein the judging means sequentially judges whether the optical disc is a CD-R or not, whether the optical disc includes one session or not, whether additional data can be consecutively recorded in the optical disc or not, whether one variable packet-type track is included within the one session or not, and whether the data recorded in the track is the update data.

2. (original) The optical disc drive according to claim 1, further comprising an eject button wherein the predetermined signal is a signal outputted when the eject button is pushed.

3. (original) The optical disc drive according to claim 2, further comprising a timer measuring a predetermined time wherein the control means determines whether the

currently stored firmware of the optical disc drive should be updated with the update data based on whether or not the signal from the eject button is detected within the predetermined time.

4. (currently amended) The optical disc drive according to ~~claim 1~~ claim 10, wherein the judging means sequentially judges whether the optical disc is a CD-R or not, whether the optical disc includes one session or not, whether additional data can be consecutively recorded in the optical disc or not, whether one variable packet-type track is included within the one session or not, and whether the data recorded in the track is the update data.

5. (original) The optical disc drive according to claim 1, wherein the optical disc drive is constructed so as to be able to carry out the update of the firmware without connecting to a host computer or a network.

6. (currently amended) A method of updating firmware currently stored in an electrically rewritable flash ROM of an optical disc drive, the method comprising the steps of;

when the optical disc is loaded into the optical disc drive, judging whether or not the loaded optical disc is a predetermined type of optical disc in which update data for updating the currently stored firmware is recorded;

reading out the update data from the loaded optical disc and temporarily storing the update data in a buffer memory of the optical disc drive in the case where it is judged that the loaded optical disc is the predetermined type of optical disc;

determining whether or not the firmware currently stored in the flash ROM should be updated with the update data stored in the buffer memory based on the absence or presence of a predetermined signal; ~~and~~

updating the currently stored firmware of the optical disc drive with the update data stored in the buffer memory in the case where it is determined that the currently stored firmware should be updated; and

wherein the optical disc having the predetermined format is a CD-R having one session in which one variable packet-type track is included, and additional data cannot be consecutively recorded in the optical disc.

7. (original) The method according to claim 6, wherein the predetermined signal is a signal outputted when an eject button of the optical disc drive is pushed.

8. (original) The method according to claim 7, further comprising the step of: measuring a predetermined time by a timer, wherein in the determining step it is determined whether the currently stored firmware of the optical disc drive should be updated with the update data based on whether or not the signal from the eject button is detected within the predetermined time.

9. (currently amended) The method according to ~~claim 6~~ claim 12, wherein the optical disc having the predetermined format is a CD-R having one session in which one variable packet-type track is included, and additional data cannot be consecutively recorded in the optical disc.

10. (new) An optical disc drive which can record and/or reproduce data onto and/or from an optical disc when the optical disc is loaded into the optical disc drive, the optical disc drive comprising:

an electrically rewritable flash ROM which stores firmware of the optical disc drive;  
means for judging whether or not the loaded optical disc is a predetermined type of optical disc in which update data for updating the currently stored firmware is stored when the optical disc is loaded into the optical disc drive;

a buffer memory for temporarily storing the update data recorded in the loaded optical disc in the case where the judging means judges that the loaded optical disc is the predetermined type of optical disc;

control means for determining whether the currently stored firmware of the optical disc drive should be updated with the update data based on the absence or presence of a predetermined signal, and updating the currently stored firmware with the update data stored in the buffer memory in the case where it is determined that the currently stored firmware of the optical disc should be updated;

further comprising an eject button wherein the predetermined signal is a signal outputted when the eject button is pushed, and

further comprising a timer measuring a predetermined time wherein the control means determines whether the currently stored firmware of the optical disc drive should be updated

with the update data based on whether or not the signal from the eject button is detected within the predetermined time.

11. (new) The optical disc drive according to claim 10, wherein the optical disc drive is constructed so as to be able to carry out the update of the firmware without connecting to a host computer or a network.

12. (new) A method of updating firmware currently stored in an electrically rewritable flash ROM of an optical disc drive, the method comprising the steps of;

when the optical disc is loaded into the optical disc drive, judging whether or not the loaded optical disc is a predetermined type of optical disc in which update data for updating the currently stored firmware is recorded;

reading out the update data from the loaded optical disc and temporarily storing the update data in a buffer memory of the optical disc drive in the case where it is judged that the loaded optical disc is the predetermined type of optical disc;

determining whether or not the firmware currently stored in the flash ROM should be updated with the update data stored in the buffer memory based on the absence or presence of a predetermined signal;

updating the currently stored firmware of the optical disc drive with the update data stored in the buffer memory in the case where it is determined that the currently stored firmware should be updated;

wherein the predetermined signal is a signal outputted when an eject button of the optical disc drive is pushed; and

further comprising the step of:

measuring a predetermined time by a timer, wherein in the determining step it is determined whether the currently stored firmware of the optical disc drive should be updated with the update data based on whether or not the signal from the eject button is detected within the predetermined time.